

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THOMAS RASH,

Plaintiff,

vs.

OFFICER R. ADAMS, *et al.*,

Defendants.

2:09-cv-02032-JCM-RJJ


ORDER

Plaintiff has not timely filed a CJA 23 financial affidavit in response to the court's prior order (#6) nor has he in the alternative paid the filing fee. The order informed plaintiff that a failure to respond could result in the denial of the pauper application and dismissal of the action. The court notes that plaintiff no longer is in custody, such that the prison mailbox rule does not apply to determine the timeliness of his filings.

IT THEREFORE IS ORDERED that plaintiff's application (#3) to proceed *in forma pauperis* is DENIED and that this action shall be DISMISSED without prejudice.

The clerk of court shall enter final judgment accordingly, dismissing this action without prejudice.

DATED: August 23, 2010.



JAMES C. MAHAN
United States District Judge